

1 TEAGUE P. PATERSON, SBN 226659
2 VISHTASP M. SOROUSHIAN, SBN 278895
3 **BEESON, TAYER & BODINE, APC**
4 483 Ninth Street, 2nd Floor
5 Oakland, CA 94607-4051
6 Telephone: (510) 625-9700
7 Facsimile: (510) 625-8275
8 Email: tpaterson@beesontayer.com
9 vsoroushian@beesontayer.com

10 Attorneys for Plaintiff
11 *AFSCME LOCAL 101*

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SANTA CLARA**
15 **AT SAN JOSÉ**

16 SAN JOSE POLICE OFFICERS'
17 ASSOCIATION,

18 Plaintiff,

19 v.

20 CITY OF SAN JOSÉ, BOARD OF
21 ADMINISTRATION FOR POLICE AND FIRE
22 DEPARTMENT RETIREMENT PLAN OF
23 CITY OF SAN JOSE, and DOES 1-10,
24 inclusive,

25 Defendants.

Consolidated Case No. 1-12-CV-225926

*[Consolidated with Case Nos. 1-12-CV-225928,
1-12-CV-226570, 1-12-CV-226574,
1-12-CV-227864, and 1-12-CV-233660]*

ASSIGNED FOR ALL PURPOSES TO:
JUDGE PATRICIA LUCAS
DEPARTMENT 2

**DECLARATION OF VISHTASP
SOROUSHIAN IN SUPPORT OF AFSCME
LOCAL 101'S OPPOSITION TO CITY OF
SAN JOSÉ'S MOTIONS IN LIMINE TO
EXCLUDE EVIDENCE AND
SUPPLEMENTAL MOTION IN LIMINE
TO EXCLUDE AFSCME WITNESSES
CAROL GARCIA AND PEGGY HORNING
FROM TESTIFYING AT TRIAL**

Hearing Date: July 19, 2013
Hearing Time: 9:00 a.m.
Courtroom: 2
Judge: Hon. Patricia Lucas
Complaint Filed: July 5, 2012
Trial Date: June 22, 2013

26
27 **AND RELATED CROSS-COMPLAINT AND**
28 **CONSOLIDATED ACTIONS**

1 I, VISHTASP M. SOROUSHIAN, declare:

2 1. I am an associate attorney at Beeson, Tayer & Bodine and am one of the attorneys of record
3 for Local 101 of the American Federation of State, County and Municipal Employees ("AFSCME")
4 in the above-captioned case. I have personal knowledge of the facts set forth below and if called as a
5 witness I could and would testify competently thereto.

6 2. On June 20, 2013, the City of San José ("City") and all other parties to this action were served
7 with a copy of the Declaration of Carol Garcia. Ms. Garcia is a lay witness and not an expert
8 witness; she offers no expert opinions. A true and correct copy of the declaration with the attached
9 proof of service is attached as **Exhibit 1**.

10 3. On June 26, 2013, the City of San José ("City") and all other parties to this action were served
11 with a copy of the Declaration of Peggy Horning. Ms. Horning is a lay witness and not an expert
12 witness; she offers no expert opinions. A true and correct copy of the declaration with the attached
13 proof of service is attached as **Exhibit 2**.

14 4. Electronic service of the declarations were permissible pursuant to the terms of the Court's
15 April 23, 2013, Pre-Trial Order, attached as Exhibit A to the Declaration of Michael Hughes
16 submitted by the City in support of its Supplemental Motion in Limine.

17 5. In my phone and e-mail communications with Mr. Hughes, I never refused to produce either
18 Ms. Horning or Ms. Garcia for deposition. Neither Mr. Hughes nor any other attorney for the City
19 asked whether Ms. Garcia was available for deposition after her return.

20 6. On July 3, 2013, I submitted a letter to Mr. Hughes, reiterating that I had not refused to make
21 either witness available for deposition, Ms. Garcia could be available for deposition after her return,
22 and Ms. Homing was available for deposition on the dates previously identified. A true and correct
23 copy of the letter is attached as **Exhibit 3**.

24 7. In that letter, I reminded Mr. Hughes that it was the City, and not the plaintiffs, that insisted
25 on setting such an early trial date. The City has not identified any reason for not taking Ms.
26 Homing's deposition on the dates she is available other than the fact that they fall the week before
27 trial.
28

1 8. Around June 27, 2013, counsel for all parties executed a stipulation to extend the deadline for
2 filing motions in limine with respect to expert witnesses to July 10, 2013. The stipulation specifically
3 retained the previously agreed-upon deadline for filing all other motions in limine. The City signed
4 the stipulation on June 26, 2013. A true and correct copy of the stipulation is attached as **Exhibit 4**.

5 9. At no time prior to noticing the depositions of AFSCME's proposed trial witnesses, including
6 Ms. Homing and Ms. Garcia, did the City or its attorneys contact our office to inquire as to the
7 availabilities of the witnesses or counsel for deposition.

8 10. I was present at the deposition of Charles Allen at the offices of Meyers | Nave in Oakland,
9 California, in the afternoon of Monday, June 24, 2013. Arthur Hartinger conducted the deposition.
10 Teague Paterson, my co-counsel, defended the deposition.

11 11. During the deposition, Arthur Hartinger asked Mr. Allen questions related to factual and
12 documentary evidence that supported AFSCME's responses to the City's interrogatories and
13 supplemental interrogatories.

14 12. Mr. Paterson objected to many, but not all, of these "legal contention" questions on authority
15 of *Rifkind v. Superior Court* (1994) 22 Cal.App.4th 1255 (hereinafter "*Rifkind*"). He further
16 instructed Mr. Allen not to answer some of those improper legal contention questions. On other
17 occasions, he instructed Mr. Allen to answer only if he knew the answer.

18 13. I was also present at a prior deposition where Mr. Hartinger deposed Theresa Harris, plaintiff
19 in one of the consolidated cases to this action. Mr. Christopher Platten defended that deposition and
20 objected to many legal contention questions on authority of *Rifkind*. After doing so, he instructed his
21 witness not to answer.

22 14. Mr. Paterson read into the record his position regarding the "legal contention" questions,
23 citing and quoting from the *Rifkind* case. He even took time during the deposition to review the
24 *Rifkind* decision again to make sure it applied to the deposition.

25 15. Mr. Hartinger asserted that *Rifkind* did not apply to the instant case and that Mr. Allen would
26 be subject to exclusion from testifying at trial if he did not answer said questions.
27
28

1 16. Throughout the deposition of Charles Allen, Mr. Paterson offered to meet and confer with Mr.
2 Hartinger regarding the applicability of the *Rifkind* decision. He also asked that Mr. Hartinger
3 provide contrary authority supporting his position that *Rifkind* did not apply.

4 17. Mr. Hartinger refused to meet and confer and did not provide any contrary authority. Rather,
5 he insisted on proceeding with the deposition.

6 18. When probed about the basis for concluding that *Rifkind* did not apply, he merely stated that
7 he felt as though this deposition was different in that it involved a "Person Most Knowledgeable" for
8 a union rather than a named plaintiff.

9 19. Mr. Allen, for his part, never actually refused to answer a question, and Mr. Hartinger never
10 confirmed that Mr. Allen was declining to answer his question based on advice of his counsel.

11 20. At the conclusion of the deposition, Mr. Hartinger indicated he would adjourn, but not
12 conclude, the deposition and would contact Mr. Paterson to discuss the "*Rifkind*" issue. However, he
13 did not attempt to meet and confer over the *Rifkind* issue; he also failed to provide Mr. Paterson with
14 contrary authority supporting his positions. Instead, the City filed its motion.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is
16 true and correct and that I executed this declaration on July 8, 2013, in Oakland, California.

17
18
19 Vishtasp Soroushian (by DSN)
20 VISHTASP M. SOROUSHIAN
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is Beeson, Tayer & Bodine, Ross House, Suite 200, 483 Ninth Street, Oakland, California, 94607-4051. On this day, I served the foregoing Document(s):

**DECLARATION OF VISHTASP SOROUSHIAN IN SUPPORT OF AFSCME LOCAL 101'S
OPPOSITION TO CITY OF SAN JOSÉ'S SUPPLEMENTAL MOTION IN LIMINE TO
EXCLUDE AFSCME WITNESSES CAROL GARCIA AND PEGGY HORNING FROM
TESTIFYING AT TRIAL**

☒ **By UPS Overnight Delivery** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

Arthur A. Hartinger, Esq.
Jennifer L. Nock, Esq.
Linda M. Ross, Esq.
Michael C. Hughes
MEYERS, NAVE, RIBACK, SILVER & WILSON
555 12th Street, Suite 1500
Oakland, CA 94607

Attorneys for Defendants, THE CITY OF SAN JOSE AND DEBRA FIGONE

☒ **By Mail** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed in Oakland, California, on this date, July 8, 2013.


Marlene T. Dunleavy

SERVICE LIST

Greg McLean Adam, Esq.
Jonathan Yank, Esq.
Gonzalo C. Martinez, Esq.
Amber L. West, Esq.
CARROLL, BURDICK & McDONOUGH LLP
44 Montgomery Street, Suite 400
San Francisco, CA 94104

Attorneys for Plaintiff, SAN JOSE POLICE OFFICERS' ASSOCIATION (Santa Clara Superior Court Case No. 112CV225926)

Harvey L. Leiderman, Esq.
REED SMITH, LLP
101 Second Street, Suite 1800
San Francisco, CA 94105

Attorneys for Defendant, CITY OF SAN JOSE, BOARD OF ADMINISTRATION FOR POLICE AND FIRE DEPARTMENT RETIREMENT PLAN OF CITY OF SAN JOSE (Santa Clara Superior Court Case No. 112CV225926)
AND

Necessary Party in Interest, THE BOARD OF ADMINISTRATION FOR THE 1961 SAN JOSE POLICE AND FIRE DEPARTMENT RETIREMENT PLAN (Santa Clara Superior Court Case No. 112CV225928)
AND

Necessary Party in Interest, THE BOARD OF ADMINISTRATION FOR THE 1975 FEDERATED CITY EMPLOYEES' RETIREMENT PLAN (Santa Clara Superior Court Case Nos. 112CV226570 and 112CV22574)
AND

Necessary Party in Interest, THE BOARD OF ADMINISTRATION FOR THE FEDERATED CITY EMPLOYEES RETIREMENT PLAN (Santa Clara Superior Court Case No. 112CV227864)

John McBride, Esq.
Christopher E. Platten, Esq.
Mark S. Renner, Esq.
WYLIE, McBRIDE, PLATTEN & RENNER
2125 Canoas Garden Avenue, Suite 120
San Jose, CA 95125

Attorneys for Plaintiffs/Petitioners, ROBERT SAPIEN, MARY McCARNEY, THANH HO, RANDY SEKANY AND KEN HEREDIA (Santa Clara Superior Court Case No. 112-CV-225928)
AND
Plaintiffs/Petitioners, JOHN MUKHAR, DALE DAPP, JAMES ATKINS, WILLIAM BUFFINGTON AND KIRK PENNINGTON (Santa Clara Superior Court Case No. 112-CV-226574)
AND
Plaintiffs/Petitioners, TERESA HARRIS, JON REGER, MOSES SERRANO (Santa Clara Superior Court Case No. 112-CV-226570)

Stephen H. Silver, Esq.
Richard A. Levine, Esq.
Jacob A. Kalinski, Esq.
SILVER, HADDEN, SILVER, WEXLER & LEVINE
1428 Second Street, Suite 200
Santa Monica, CA 90401-2367

Attorneys for Plaintiffs, SAN JOSE RETIRED EMPLOYEES ASSOCIATION, HOWARD E. FLEMING, DONALD S. MACRAE, FRANCES J. OLSON, GARY J. RICHERT and ROSALINDA NAVARRO (Santa Clara Superior Court Case No. 112CV233660)

EXHIBIT 1

1 TEAGUE P. PATERSON, SBN 226659
2 VISHTASP M. SOROUSHIAN, SBN 278895
3 **BEESON, TAYER & BODINE, APC**
4 483 Ninth Street, 2nd Floor
5 Oakland, CA 94607-4051
6 Telephone: (510) 625-9700
7 Facsimile: (510) 625-8275
8 Email: tpaterson@beesontayer.com
9 vsoroushian@beesontayer.com

10 Attorneys for Plaintiff
11 **AFSCME LOCAL 101**

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SANTA CLARA**
15 **AT SAN JOSÉ**

16 **SAN JOSE POLICE OFFICERS'**
17 **ASSOCIATION,**

18 Plaintiff,

19 v.

20 **CITY OF SAN JOSÉ, BOARD OF**
21 **ADMINISTRATION FOR POLICE AND FIRE**
22 **DEPARTMENT RETIREMENT PLAN OF**
23 **CITY OF SAN JOSE, and DOES 1-10,**
24 **inclusive,**

25 Defendants.

26 **AND RELATED CROSS-COMPLAINT AND**
27 **CONSOLIDATED ACTIONS**

Consolidated Case No. 1-12-CV-225926

[Consolidated with Case Nos. 1-12-CV-225928,
1-12-CV-226570, 1-12-CV-226574,
1-12-CV-227864, and 1-12-CV-233660]

ASSIGNED FOR ALL PURPOSES TO:
JUDGE PATRICIA LUCAS
DEPARTMENT 2

DECLARATION OF CAROL GARCIA

Complaint Filed: July 5, 2012
Trial Date: July 22, 2013

28 I, CAROL GARCIA, hereby declare under the penalty of perjury that the following
statements are made from personal knowledge and, if called, I could and would competently testify to
their truth:

///

///

1 **Background:**

2 1. I retired from the City of San José ("City") in March 2011. I currently work part-time
3 as a Library Assistant with Stanislaus County.

4 2. I started working for the City in September 1989 as a Library Clerk. The City
5 promoted me to the position of Library Assistant, and I eventually became a Senior Supervisor of
6 Administration at the library. I held that position until I retired.

7 3. As a Senior Supervisor of Administration, I was responsible for performing clerical
8 work as well as supervising clerical personnel at the library. I also supervised all of the
9 administrative work that went through the Innovation department of the library.

10 4. In previous jobs, I had received experience supervising employees.

11 5. Throughout my tenure with the City, I was a member of the Municipal Employees'
12 Federation ("MEF") of Local 101 of the American Federation of State, County and Municipal
13 Employees ("AFSCME").

14 6. At different points during my career with the City, I served as a Union Steward, Chief
15 Steward, Secretary for MEF, and Treasurer for AFSCME Local 101.

16 7. Prior to working for the City, I studied Childhood Development from a junior
17 college. It was always my dream to work in that very field.

18 8. When I took the job with the City, my plan was to work for thirty (30) years and then
19 retire. I expected to pay off the mortgage on my home soon after retirement and to travel and enjoy
20 the rest of my life.

21 **Coming to the City:**

22 9. When I applied to work for the City, I was thirty (30) years old and married.

23 10. I was largely enticed to work for the City by the promise of an excellent retirement
24 package. I knew that, although the salaries for government service were lower than those offered in
25 the private sector, the retirement packages were superior.

26 11. When I started working for the City, representatives from human services verified
27 those beliefs. In a meeting on my first day of work, I was explained the benefits of working for the
28 City: such benefits included a defined benefit plan with a guaranteed annual Cost of Living

1 Adjustment ("COLA") and a retiree healthcare plan for which I would not have to pay. They told me
2 that I was vested in my retirement benefits after five (5) years of service with the City. The City
3 representatives told me that the Kaiser plan was the lowest cost plan available and that as long as I
4 stayed on the Kaiser plan, I would not have to pay a penny towards my retiree healthcare. The City
5 repeated this promise throughout my time there.

6 12. After that first day, my supervisors continued to remind me that I would vest in my
7 pension plan after five (5) years of service. This promise of a guaranteed retirement package
8 motivated me to continue working with the City.

9 **Inducement to Stay:**

10 13. After three years of working for the City, I was offered a position as a Childhood
11 Development instructor at a nursery school. As I previously mentioned, this was my dream job as I
12 had studied the field and working with young kids was my true passion. Furthermore, that job paid
13 twenty-five percent more in salary than my job with the City and yearly bonuses.

14 14. It was a really hard decision for me to make. I spoke with Joy Macari, a Senior
15 Librarian and my supervisor at the time. She convinced me to think about the long-term: I was
16 almost vested in my pension plan and, although the other job paid better, I was likely to get raises as
17 a City employee as well.

18 15. I also spoke with David Armstrong, who I believe worked in Human Resources at the
19 time. He explained to me that although I was making less with the City, my retirement benefits were
20 a form of deferred compensation and it made sense for me to stay with the City since part of my
21 salary had already been diverted towards my retirement plan. He reminded me of the retirement
22 package I would receive when I retired and that it would be worth working towards.

23 16. Based on these representations, I was convinced to forego that other job and stay in
24 the service of the City. I realized that it was best to consider my long-term financial success rather
25 than a better salary now. Besides, I had a child at the time, and I was thinking about the expenses
26 that would accompany the later years of the child's life.

27 17. Around 1994 or 1995, I received a notice from the City that I might be laid off that
28 year. Although I should have looked more aggressively for alternate work, I decided to take the

1 gamble in case the City retained my services; it did, and I continued to work with the City. I chose to
2 make that gamble primarily because I was vested in my pension plan and still hoped to retire after
3 thirty (30) years of service.

4 18. Most private sector employers were offering 401(k) plans at that time to their
5 employees. I had already lost eleven (11) years of contributing towards such a plan, but I had already
6 contributed so much towards my defined benefit plan with the City. From a retirement perspective, it
7 did not make sense for me to leave the public sector at that point.

8 **Continuing Representations:**

9 19. Annually, I received a statement from the City which showed how much money I had
10 accumulated in my pension plan and also showed my expected retirement formula based on years of
11 service. I would always get so excited to see the money in my retirement account increasing, and the
12 defined benefit annuity I would receive upon my retirement.

13 20. The City offered a series of fourteen retirement-planning classes to employees who
14 were at different milestones from their retirement dates: ten (10), five (5), and three (3) years to
15 retirement. I attended most of these meetings. At these meetings, different professionals spoke to us
16 about different components of our retirement packages. During these sessions, my pension formula
17 was reiterated, as was the guaranteed three percent (3%) COLA I was entitled to upon retirement.
18 Also the fact that I would not have to pay a dime towards my retiree healthcare package, and the sick
19 leave payout I would receive.

20 **Decision to Retire:**

21 21. As I previously mentioned, I did not choose to retire when I did. I retired early to
22 avoid losing my sick leave payout pursuant to a policy the City had passed preventing anyone retiring
23 after December 31, 2012, from cashing out on their unused sick leave. I had used very little of my
24 sick leave at that point with an eye on cashing out on the balance. I dreamed of making the last
25 payment on my home with the amount I was entitled to cash out.

26 22. Before I retired, I heard about the effects of what was to come to be known as
27 Measure B. I was most concerned with the fact that if Measure B passed, I would be required to
28

1 work more years in order to retire with the same level of pension benefits I was promised when I
2 began working for the City. That greatly influenced my decision to retire when I did.

3 23. I left with twenty-five (25) years of service rather than thirty (30) years. As a result, I
4 receive a smaller percentage of my final salary as pensionable pay than I had expected (50% versus
5 75%).

6 24. Measure B will greatly affect me. In particular, I can no longer expect a guaranteed
7 three percent (3%) COLA I was promised throughout my City service.

8 25. Furthermore, although I was promised that I would not have to pay anything towards
9 my retiree healthcare plan, I am currently paying \$126/month for that same Kaiser plan. I cannot
10 afford to subscribe to the current lowest cost plan, because that plan has a \$3,000 deductible attached
11 to it. That deductible is an unforeseen expense, as throughout employment I was told I would be able
12 to keep my current coverage and the City would pay the premiums.

13 26. I am truly concerned about the affect Measure B will have on the cost of retiree
14 healthcare. In my lifetime, I have suffered three (3) major illnesses, including pancreatitis for which I
15 was hospitalized for three (3) weeks. If I am afflicted by another major illness or injury, I am afraid I
16 will be unable to afford the medical bills.

17 27. My life turned out very differently than I imagined when I chose to work for the City.
18 Instead of working for thirty (30) years and paying off my home eight (8) years after retirement
19 without taking another job, I retired early and can expect to pay off my mortgage in another eighteen
20 (18) years as long as I continue to work.

21 28. I have seriously considered leaving this state and even this country in the near future.
22 I am considering relocating to Nevada where the cost of living and healthcare may be slightly more
23 reasonable given the retirement benefits I can expect to receive in light of Measure B.

24 I declare under penalty of perjury that the foregoing is true and correct. Executed this 16 day
25 of June, 2013, at Patterson, California.

26
27 
28 CAROL GARCIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is Beeson, Tayer & Bodine, Ross House, Suite 200, 483 Ninth Street, Oakland, California, 94607-4051. On this day, I served the foregoing Document(s):

DECLARATION OF CAROL GARCIA

☐ **By Mail** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

☐ **By Personally Delivering** a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.

☐ **By Messenger Service** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure § 1011, by placing a true and correct copy thereof in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service.

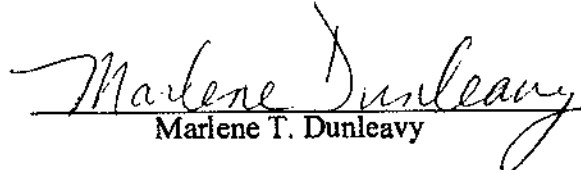
☐ **By UPS Overnight Delivery** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

☐ **By Facsimile Transmission** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(e).

☒ **By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed in Oakland, California, on this date, June 20, 2013.


Marlene T. Dunleavy

SERVICE LIST

Greg McLean Adam, Esq.
Jonathan Yank, Esq.
Gonzalo C. Martinez, Esq.
Amber L. West, Esq.
CARROLL, BURDICK & McDONOUGH LLP
44 Montgomery Street, Suite 400
San Francisco, CA 94104

*Attorneys for Plaintiff, SAN JOSE POLICE
OFFICERS' ASSOCIATION (Santa Clara
Superior Court Case No. 112CV225926)*

John McBride, Esq.
Christopher E. Platten, Esq.
Mark S. Renner, Esq.
WYLIE, McBRIDE, PLATTEN & RENNER
2125 Canoas Garden Avenue, Suite 120
San Jose, CA 95125

*Attorneys for Plaintiffs/Petitioners, ROBERT
SAPIEN, MARY McCARTHY, THANH HO,
RANDY SEKANY AND KEN HEREDIA (Santa
Clara Superior Court Case No. 112-CV-225928)*

AND

*Plaintiffs/Petitioners, JOHN MUKHAR, DALE
DAPP, JAMES ATKINS, WILLIAM
BUFFINGTON AND KIRK PENNINGTON (Santa
Clara Superior Court Case No. 112-CV-226574)*

AND

*Plaintiffs/Petitioners, TERESA HARRIS, JON
REGER, MOSES SERRANO (Santa Clara
Superior Court Case No. 112-CV-226570)*

Arthur A. Hartinger, Esq.
Jennifer L. Nock, Esq.
Linda M. Ross, Esq.
Michael C. Hughes
MEYERS, NAVE, RIBACK, SILVER &
WILSON
555 12th Street, Suite 1500
Oakland, CA 94607

*Attorneys for Defendants, THE CITY OF SAN
JOSE AND DEBRA FIGONE*

Harvey L. Leiderman, Esq.
REED SMITH, LLP
101 Second Street, Suite 1800
San Francisco, CA 94105

*Attorneys for Defendant, CITY OF SAN JOSE,
BOARD OF ADMINISTRATION FOR POLICE
AND FIRE DEPARTMENT RETIREMENT
PLAN OF CITY OF SAN JOSE (Santa Clara
Superior Court Case No. 112CV225926)*

AND

*Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1961 SAN JOSE
POLICE AND FIRE DEPARTMENT
RETIREMENT PLAN (Santa Clara Superior
Court Case No. 112CV225928)*

AND

*Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1975
FEDERATED CITY EMPLOYEES'
RETIREMENT PLAN (Santa Clara Superior
Court Case Nos. 112CV226570 and
112CV22574)*

AND

*Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE FEDERATED
CITY EMPLOYEES RETIREMENT PLAN
(Santa Clara Superior Court Case No.
112CV227864)*

PROOF OF SERVICE

Consolidated Case No. 112CV225926

1 Stephen H. Silver, Esq.
2 Richard A. Levine, Esq.
3 Jacob A. Kalinski, Esq.
4 SILVER, HADDEN, SILVER, WEXLER &
5 LEVINE
6 1428 Second Street, Suite 200
7 Santa Monica, CA 90401-2367
8
9 *Attorneys for Plaintiffs, SAN JOSE RETIRED*
10 *EMPLOYEES ASSOCIATION, HOWARD E.*
11 *FLEMING, DONALD S. MACRAE, FRANCES J.*
12 *OLSON, GARY J. RICHERT and ROSALINDA*
13 *NAVARRO (Santa Clara Superior Court Case No.*
14 *112CV233660)*
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Received
JUL 09 2013
meyers/may

EXHIBIT 2

1 TEAGUE P. PATERSON, SBN 226659
2 VISHTASP M. SOROUSHIAN, SBN 278895
3 **BEESON, TAYER & BODINE, APC**
4 483 Ninth Street, 2nd Floor
5 Oakland, CA 94607
6 Telephone: (510) 625-9700
7 Facsimile: (510) 625-8275
8 Email: vsoroushian@beesontayer.com

9 Attorneys for Plaintiff
10 *AFSCME LOCAL 101*

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SANTA CLARA**
13 **AT SAN JOSÉ**

14 **SAN JOSE POLICE OFFICERS'**
15 **ASSOCIATION,**

16 Plaintiff,

17 v.

18 **CITY OF SAN JOSÉ, BOARD OF**
19 **ADMINISTRATION FOR POLICE AND FIRE**
20 **DEPARTMENT RETIREMENT PLAN OF**
21 **CITY OF SAN JOSÉ, and DOES 1-10,**
22 **inclusive,**

23 Defendants.

24 **AND RELATED CROSS-COMPLAINT AND**
25 **CONSOLIDATED ACTIONS**

Consolidated Case No. 1-12-CV-225926

[Consolidated with Case Nos. 1-12-CV-225928,
1-12-CV-226570, 1-12-CV-226574,
1-12-CV-227864, and 1-12-CV-233660]

ASSIGNED FOR ALL PURPOSES TO:
JUDGE PATRICIA LUCAS
DEPARTMENT 2

DECLARATION OF PEGGY HORNING

Complaint Filed: July 5, 2012
Trial Date: July 22, 2013

1 I, PEGGY HORNING, hereby declare under the penalty of perjury that the following
2 statements are made from personal knowledge and, if called, I could and would competently testify to
3 their truth:

4 **Background**

5 1. Approximately two years after graduating from college, I came to work for the City of
6 San José ("City") as a hazmat inspector in the Fire Department. I currently work as an
7 Environmental Services Specialist in the Environmental Sciences Department. I am mainly in charge
8 of project management.

9 2. I began working for the City as a full-time employee on April 10, 1995. I was twenty-
10 seven (27) years old at the time.

11 3. I had family members who worked for the City then, so I was familiar with the
12 benefits of City service.

13 4. A major reason I chose to work for the City was the retirement package it offered. I
14 was especially impressed with the fact that I could retire at age fifty-five (55) and accumulate 2.5%
15 of my final pay for each year of my City service and that, after fifteen (15) years of service, I could
16 expect to receive an excellent retiree health package.

17 5. When I started working for the City, I expected to retire at fifty-five and accumulate
18 2.5% of my final pay for each year of my service. I can no longer expect to stick to those retirement
19 goals.

20 6. I relied on the promised retirement packages in staying with the City for so long. I
21 preferred to work for the City, as opposed to other government agencies, primarily because of the
22 higher 2.5% pension accumulation rate it offered.

23 7. This promise was especially important to me because I could not expect to receive
24 Social Security benefits upon retiring.

25 8. Had I know the City would go back on the promises it made me with respect to
26 retirement, I would have thought about leaving long ago.

1 Measure B:

2 9. In light of Measure B, I do not think I can afford to live in my home anymore. I have
3 seriously thought about selling my house and opting for different living accommodations.

4 10. If I stay in the Tier 1 plan, as changed by Measure B, I will be required to pay a large
5 portion of my salary towards the City's unfunded liabilities. In such a situation, I will likely have to
6 sell my house and/or find additional employment.

7 11. However, I would most likely leave City employment and look for another job instead
8 of staying in the altered Tier 1 plan. I simply cannot afford to make the additional pension
9 contributions.

10 12. The Voluntary Election Program ("VEP") does not offer me with a good option either.
11 If I switch into the VEP, I will be forced to retire later and will receive less retirement income than I
12 was promised. Again, I will receive much less money that I had expected. It will, for example, make
13 it more difficult for me to pay off my mortgage.

14 13. On top of all that, I can no longer expect a guaranteed COLA pursuant to Measure B.
15 This further worries me about not being able to afford living in this area.

16 14. I am also very concerned about the increased cost of retiree healthcare pursuant to
17 Measure B. I am afraid that I will not be able to afford treatment if it becomes necessary. Prior to
18 Measure B, I did not believe I would have to worry about that.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24 day
20 of June, 2013, at San Jose, California.

21
22
23 
24 PEGGY HORNING
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is Beeson, Tayer & Bodine, Ross House, Suite 200, 483 Ninth Street, Oakland, California, 94607-4051. On this day, I served the foregoing Document(s):

DECLARATION OF SCOTT MARIN

☐ **By Mail** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

☐ **By Personally Delivering** a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.

☐ **By Messenger Service** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure § 1011, by placing a true and correct copy thereof in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service.

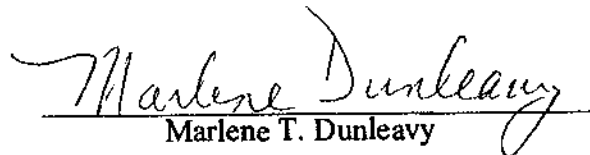
☐ **By UPS Overnight Delivery** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

☐ **By Facsimile Transmission** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(e).

☒ **By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed in Oakland, California, on this date, June 26, 2013.


Marlene T. Dunleavy

SERVICE LIST

Greg McLean Adam, Esq.
Jonathan Yank, Esq.
Gonzalo C. Martinez, Esq.
Amber L. West, Esq.
CARROLL, BURDICK & McDONOUGH LLP
44 Montgomery Street, Suite 400
San Francisco, CA 94104

*Attorneys for Plaintiff, SAN JOSE POLICE
OFFICERS' ASSOCIATION (Santa Clara
Superior Court Case No. 112CV225926)*

John McBride, Esq.
Christopher E. Platten, Esq.
Mark S. Renner, Esq.
WYLIE, McBRIDE, PLATTEN & RENNER
2125 Canoas Garden Avenue, Suite 120
San Jose, CA 95125

*Attorneys for Plaintiffs/Petitioners, ROBERT
SAPIEN, MARY McCARTHY, THANH HO,
RANDY SEKANY AND KEN HEREDIA (Santa
Clara Superior Court Case No. 112-CV-225928)*

AND

*Plaintiffs/Petitioners, JOHN MUKHAR, DALE
DAPP, JAMES ATKINS, WILLIAM
BUFFINGTON AND KIRK PENNINGTON (Santa
Clara Superior Court Case No. 112-CV-226574)*

AND

*Plaintiffs/Petitioners, TERESA HARRIS, JON
REGER, MOSES SERRANO (Santa Clara
Superior Court Case No. 112-CV-226570)*

Arthur A. Hartinger, Esq.
Jennifer L. Nock, Esq.
Linda M. Ross, Esq.
Michael C. Hughes
MEYERS, NAVE, RIBACK, SILVER &
WILSON
555 12th Street, Suite 1500
Oakland, CA 94607

*Attorneys for Defendants, THE CITY OF SAN
JOSE AND DEBRA FIGONE*

Harvey L. Leiderman, Esq.
REED SMITH, LLP
101 Second Street, Suite 1800
San Francisco, CA 94105

*Attorneys for Defendant, CITY OF SAN JOSE,
BOARD OF ADMINISTRATION FOR POLICE
AND FIRE DEPARTMENT RETIREMENT
PLAN OF CITY OF SAN JOSE (Santa Clara
Superior Court Case No. 112CV225926)*

AND

*Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1961 SAN JOSE
POLICE AND FIRE DEPARTMENT
RETIREMENT PLAN (Santa Clara Superior
Court Case No. 112CV225928)*

AND

*Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1975
FEDERATED CITY EMPLOYEES'
RETIREMENT PLAN (Santa Clara Superior
Court Case Nos. 112CV226570 and
112CV22574)*

AND

*Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE FEDERATED
CITY EMPLOYEES RETIREMENT PLAN
(Santa Clara Superior Court Case No.
112CV227864)*

1 Stephen H. Silver, Esq.
2 Richard A. Levine, Esq.
3 Jacob A. Kalinski, Esq.
4 SILVER, HADDEN, SILVER, WEXLER &
5 LEVINE
6 1428 Second Street, Suite 200
7 Santa Monica, CA 90401-2367

8 *Attorneys for Plaintiffs, SAN JOSE RETIRED*
9 *EMPLOYEES ASSOCIATION, HOWARD E.*
10 *FLEMING, DONALD S. MACRAE, FRANCES J.*
11 *OLSON, GARY J. RICHERT and ROSALINDA*
12 *NAVARRO (Santa Clara Superior Court Case No.*
13 *112CV233660)*

EXHIBIT 3

DUANE B. BEESON
NEIL BODINE
ROBERT BONSALL
GEOFFREY PILLER
CATHERINE E. ARDSTEGUI
JOHN C. PROVOST
ANDREW H. BAKER
SHEILA K. SEXTON
MATTHEW MORBELLO
DALE L. BRODSKY
TEAGUE P. PATERSON
COSTA KERESTENZIS
DAVID WEINTRAUB
MARGARET A. GEDDES
SARAH SANDFORD-SMITH
PETER M. MCENTEE
SUSAN K. GAREA
VISHTASP SOROUSHIAN
ADRIAN BARNES
CHRISTOPHER HAMMER
DALISAI NISPEROS

BEESON, TAYER & BODINE

ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
ROSS HOUSE, SUITE 200
483 NINTH STREET
OAKLAND, CALIFORNIA 94607-4051
(510) 625-8700
FAX (510) 625-8275



July 3, 2013

SACRAMENTO OFFICE
520 CAPITOL MALL
SUITE 300
SACRAMENTO, CA 95814-4714
(916) 325-2100
FAX (916) 325-2120

DONALD S. TAYER
(1932-2001)

WWW.BEESONTAYER.COM

vsoroushian@beesontayer.com

Michael Hughes, Esq.
Meyers | Nave
555 12th Street, Suite 1500
Oakland, CA 94607

Re: *San Jose Police Officers' Association, et al. v. City of San Jose,*
Santa Clara Superior Court Consolidated Case No. 1-12-CV-225926

Dear Mike:

I write in response to your letter dated July 1, 2013, and e-mail dated July 2, 2013.

AFSCME Local 101 ("AFSCME") never refused to produce Carol Garcia for a deposition. As your letter acknowledges, I simply represented that she was unavailable until July 19, 2013, a fact over which I have no control. Although your office never asked to depose her after that time, we remain willing to make her available after she returns.

Furthermore, as I previously mentioned to you, Peggy Horning is available for deposition on Monday, July 15, and Tuesday, July 16, 2013, preferably in the late afternoon. You indicated that those dates will not work because they fall the week before trial and that you will shortly file a Motion in Limine to prevent her and Ms. Garcia from testifying at trial.

The Court's pretrial order does not require the depositions to be complete by a particular date. I would also like to remind that it was the City that insisted on this early trial date. Despite these facts, we remain committed to presenting both witnesses for deposition at a mutually agreeable time/place. Please advise.

Very truly yours,

Vishtasp M. Soroushian

VMS/mtd
cc: All Counsel

EXHIBIT 4

Gregg McLean Adam, No. 203436
Gonzalo C. Martinez, No. 231724
Amber L. West, No. 245002
Carroll Burdick & McDonough LLP
44 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: 415.989.5900
Facsimile: 415.989.0932
Email: gadam@cbmlaw.com

Attorneys for Plaintiff and Cross-Defendant
San Jose Police Officers' Association

John A. McBride, No. 036458
Christopher E. Platten, No. 111971
Wylie McBride Platten & Renner
2125 Canoas Garden Ave., Suite 120
San Jose, CA 95125
Telephone: 408.979.2920
Facsimile: 408.979.2934
Email: jmcbride@wmpirlaw.com

Attorneys for Plaintiffs and Cross-Defendants
Sapien, Harris, and Mukhar, et al.

Teague P. Paterson, No. 226659
Vishtasp M. Soroushian, No. 278895
Beeson Tayer & Bodine
483 Ninth Street, 2nd Floor
Oakland, CA 94607-4051
Telephone: 510.625.9700
Facsimile: 510.625.8275
Email: tpaterson@beesontayer.com

Attys for Plaintiff and Cross-Def. Municipal
Employees' Federation, AFSCME, Local 101

Stephen H. Silver, No. 038241
Jacob A. Kalinski, No. 233709
Silver, Hadden, Silver, Wexler & Levine
1428 Second Street
Santa Monica, CA 90401
Telephone: (310) 393-1486
Facsimile: (310) 395-5801
Email: shsilver@shslaborlaw.com

Attorneys for Plaintiff San Jose Retired
Employees' Association

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

SAN JOSE POLICE OFFICERS'
ASSOCIATION,

Plaintiff,

v.

CITY OF SAN JOSE, BOARD OF
ADMINISTRATION FOR POLICE
AND FIRE DEPARTMENT

Arthur A. Hartinger No. 121521
Linda M. Ross No. 133874
Michael C. Hughes No. 215694
Meyers Nave Riback Silver & Wilson
555 12th Street, Suite 1500
Oakland, California 94607
Telephone: (510) 808-2000
Facsimile: (510) 444-1108
Email: lross@meyersnave.com
Attorneys for Defendant City of San Jose

Harvey L. Leiderman No. 55838
Jeffrey R. Rieger No. 215855
Kerry K. Galusha No. 272831
Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3659
Telephone: (415) 543-8700
Facsimile: (415) 391-8269
Email: hleiderman@reedsmith.com

Attorneys for Necessary Party in Interest
Board of Administration of the Federated City
Employees' Retirement System

No. 1-12-CV-225926
(and Consolidated Actions
1-12-CV-225928, 1-12-CV-226570,
1-12-CV-226574, 1-12-CV-227864,
and 1-12-CV-233660)

**STIPULATION AND [PROPOSED] ORDER
REGARDING SCHEDULE FOR MOTIONS IN
LIMINE RELATING TO EXPERT WITNESSES**

CBM-SF591789.3

1 RETIREMENT PLAN OF CITY OF
2 SAN JOSE, and DOES 1-10,
3 inclusive,

4 Defendants.

Complaint Filed: June 16, 2012
Trial: July 22, 2013

5 AND RELATED CROSS-
6 COMPLAINT AND
7 CONSOLIDATED ACTIONS

8 WHEREAS, the above-captioned matters have been consolidated for pre-trial
9 purposes;

10 WHEREAS, the Parties in all the consolidated cases have agreed that all
11 causes of action and all claims in the separate complaints shall be tried on a consolidated
12 basis;

13 WHEREAS, the parties met with the Court at the Case Management
14 Conference on Friday, April 19, and the Court established certain deadlines which were
15 placed on the record after the parties had the opportunity to meet and confer;

16 WHEREAS, the parties executed and the Court Ordered a Stipulation and
17 Order Regarding Pre-Trial and Trial Schedule on April 24, 2013 which sets forth and
18 confirms additional deadlines;

19 WHEREAS, pursuant to the April 24, 2013 Stipulation and Order Regarding
20 Pre-Trial and Trial Schedule, the deadline for submitting motions *in limine* is June 27,
21 2013;

22 WHEREAS, many expert witness depositions are scheduled to take place the
23 day before, several days after, and on June 27, 2013;

24 WHEREAS, the parties agree to modify the schedule regarding motions *in*
25 *limine* relating to expert witnesses as follows;

26 IT IS HEREBY STIPULATED AND AGREED by and among the
27 undersigned parties, by and through their counsel, as follows:
28

1 **STIPULATION AS TO MOTIONS *IN LIMINE***
2 **RELATING TO EXPERT WITNESSES**

3 1. Any motions *in limine* relating to expert witnesses shall be filed and
4 served by e-mail or by hand delivery by **July 10, 2013**;

5 2. Any opposition to motions *in limine* relating to expert witnesses shall be
6 filed and served by e-mail or by hand delivery by **July 15, 2013**; and,

7 3. The deadlines for motions *in limine* unrelated to expert witness testimony
8 shall remain the same as those specified in the April 24, 2013 Stipulation and Order
9 Regarding Pre-Trial and Trial Schedule

10 4. The Court is requested to consider hearing these motions *in limine* on
11 July 19.

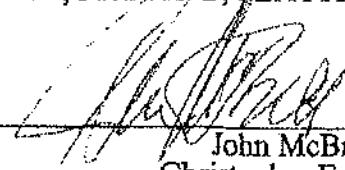
12
13 Dated: June ____, 2013

14 MEYERS, NAVE, RIBACK, SILVER &
15 WILSON

16
17 By _____
18 Arthur A. Hartinger
19 Linda Ross
20 Geoffrey Spellberg
21 Attorneys for Defendant and Cross-Complainant
22 City of San Jose


23
24 Dated: June 26, 2013

25 WYLIE, McBRIDE, BLATTEN & RENNER

26 By  _____
27 John McBride
28 Christopher E. Platten
Attorneys for Plaintiffs and Cross-Defendants in
the *Sapien*, *Harris*, and *Mukhar* cases

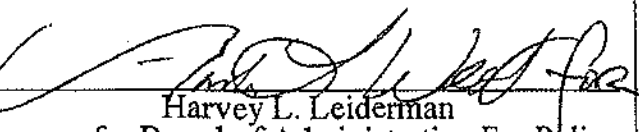
1 Dated: June 27 2013

2 BEESON, TAYOR & BODINE, APC

3
4 By 
5 Teague P. Paterson
6 Vishtasp M. Soroushian
7 Attorneys for Plaintiffs and Cross-Defendants in
8 AFSCME

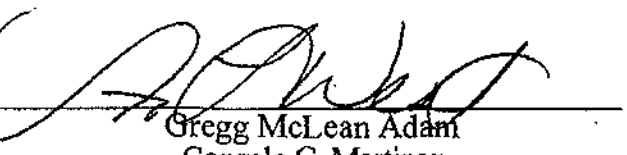
9 Dated: June 27 2013

10 REED SMITH, LLP

11 By 
12 Harvey L. Leiderman
13 Attorneys for Board of Administration For Police
14 and Fire Department Retirement Plan of City of
15 San Jose and Federated City Employees
16 Retirement System, Necessary Party in Interest

17 Dated: June 26 2013

18 CARROLL, BURDICK & McDONOUGH LLP

19 By 
20 Gregg McLean Adam
21 Gonzalo C. Martinez
22 Amber L. West
23 Attorneys for Plaintiff and Cross-Defendant
24 San Jose Police Officers' Association

25 Dated: June __, 2013

26 SILVER, HADDEN, SILVER, WEXLER &
27 LEVINE

28 By _____
Stephen H. Silver
Jacob Kalinski
Attorneys for Plaintiff San Jose Retired
Employees' Association

1 Dated: June __, 2013

2 BEESON, TAYOR & BODINE, APC

3
4 By _____
5 Teague P. Paterson
6 Vishtasp M. Soroushian
7 Attorneys for Plaintiffs and Cross-Defendants in
8 AFSCME

9 Dated: June __, 2013

10 REED SMITH, LLP

11 By _____
12 Harvey L. Leiderman
13 Attorneys for Board of Administration For Police
14 and Fire Department Retirement Plan of City of
15 San Jose and Federated City Employees
16 Retirement System, Necessary Party in Interest

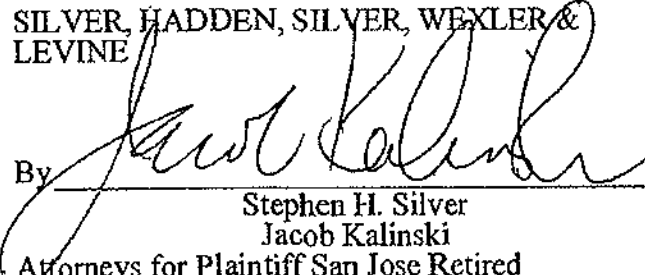
17 Dated: June __, 2013

18 CARROLL, BURDICK & McDONOUGH LLP

19 By _____
20 Gregg McLean Adam
21 Gonzalo C. Martinez
22 Amber L. West
23 Attorneys for Plaintiff and Cross-Defendant
24 San Jose Police Officers' Association

25 Dated: June 26 2013

26 SILVER, HADDEN, SILVER, WEXLER &
27 LEVINE

28 By  _____
Stephen H. Silver
Jacob Kalinski
Attorneys for Plaintiff San Jose Retired
Employees' Association

ORDER

The foregoing Stipulation having been received and good cause appearing,
IT IS SO ORDERED:

Dated: June __, 2013

Hon. Patricia M. Lucas
Judge of the Superior Court

Extremely Urgent

Visit ups.com or call 1-800-UPS to schedule a pickup or find a location

Domestic Shipments

- To qualify for the letter rate, UPS Express Envelopes may only contain correspondence, urgent documents, and weigh 8 oz. or less. UPS Express Envelopes are not for shipping items listed or weighing more than 8 oz.

International Shipments

- The UPS Express Envelope may be used to ship documents, certain countries consider electronic mail. Certain countries consider electronic mail. Certain countries consider electronic mail. Certain countries consider electronic mail.

- To qualify for the letter rate, the UPS Express Envelope must weigh more than 8 oz.

Note: Express Envelopes are not recommended for shipping sensitive personal information or cash equivalent.

Window Envelope

Use this envelope with shipping or inkjet printer on plain paper.

MARLENE DUNLEAVY (510) 625-9700 307 BRESON, TAYLOR & BODINE 483 NINTH STREET OAKLAND CA 946074051		0.5 LBS LTR	1 OF 1
SHIP TO: ART HARTINGER, ESQ. MEYERS, NAVE, RIBACK, SILVER & SUITE 1500 555 12TH STREET OAKLAND CA 94607-4095			
	CA 946 9-01 		
UPS NEXT DAY AIR SAVER 1P TRACKING #: 1Z 8Y5 544 13 9099 3169			
			
BILLING: P/P			
Reference#1: 0791-0001			
UPS 15.5.21. WNTNVS 36.0A 01/2013 			

MEYERS NAVE RIBACK SILVER AND WILSON
555 12TH ST
SUITE 1500
OAKLAND CA 94607-4022

P: GREEN S: MGR I: 73D

112-RDL
1Z8Y5544139099 3169
1500
OAKLAND CA 94607-4022

Insert shipping document
under window from the top

UPS Next Day Air®
UPS Worldwide Express®
UPS 2nd Day Air®